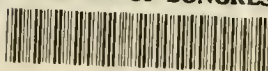


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EASTERN BAND OF NORTH CAROLINA CHEROKEES.

Principal Chief, NIMROD J. SMITH, "Cha-la-di-hih," "Charles the Killer."

U. S. Census Office, Wash. D. C. 1892

ELEVENTH CENSUS OF THE UNITED STATES.

ROBERT P. PORTER,

SUPERINTENDENT.

EXTRA CENSUS BULLETIN.

INDIANS.

EASTERN BAND OF CHEROKEES

OF NORTH CAROLINA.

BY THOMAS DONALDSON.

EXPERT SPECIAL AGENT.



WASHINGTON, D. C.
UNITED STATES CENSUS PRINTING OFFICE.
1892.

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LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE,

WASHINGTON, D. C., February 25, 1892.

SIR :

The statistics and condition of the Indians given in the present bulletin, as provided in the census law of March 1, 1889, show the status of the Eastern Band of Cherokees of North Carolina, with incidental mention of the Eastern Cherokees. These Indians are taxed, have developed into good citizens of the United States, and vote in North Carolina. They are almost entirely self-supporting, receiving only a small allowance from the United States for educational purposes. A few mechanics are found among them, but their chief occupations are farming, lumbering, and day labor. They are a moral, law-abiding, and industrious people, and the censuses from 1850 to 1890 show them to be increasing. The band, which has been incorporated by the general assembly of North Carolina as The Eastern Band of Cherokee Indians, occupies the tract known as the Qualla boundary. The other Eastern Cherokees mentioned reside in the states of Alabama, Georgia, and Tennessee, and are citizens of the United States and of the states named.

The bulletin was prepared by Mr. THOMAS DONALDSON, expert special agent of the Census Office, and the report on the condition of these Indians was made under his direction by General HENRY B. CARRINGTON, United States army (retired), special agent for the collection of statistics of the Eastern Band of Cherokees.

Very respectfully,

ROBERT P. PORTER,

Superintendent of Census.

The SECRETARY OF THE INTERIOR.



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STATISTICS OF INDIANS.

BY THOMAS DONALDSON.

EASTERN BAND OF CHEROKEES OF NORTH CAROLINA AND EASTERN CHEROKEES.

(INDIANS TAXED.)

The report on the condition of the Eastern Band of Cherokees of southwestern North Carolina in 1890, with incidental mention of the Eastern Cherokees, shows that this band of Indians, with very little if any care or attention on the part of the national government, has become self-sustaining and self-reliant, and that the members thereof have developed into good citizens of the United States and the state of North Carolina. While nominally a tribe or band, so incorporated for certain purposes, with a chief and a council, these Indians are in fact as truly citizens of North Carolina as are any people within the borders of the state. They have never been considered reservation Indians, and therefore the Indian policy of the United States has not been applied to them. There is a United States Indian agent among them, who is a member of the band, as many of his predecessors have been. His duties are nominal, and his salary is \$800 per year.

The different censuses show the Eastern Cherokees in North Carolina to be increasing in number. In 1850, when they were in Haywood county, they numbered 710; in 1890, still residing in the same locality, they are returned as numbering 1,520. In 1860, 1870, and 1880 they were enumerated as part of the population of the state.

The Eastern Band of Cherokees is now a body politic and corporate under the name, style, and title of The Eastern Band of Cherokee Indians, with all the rights, privileges, franchises, and powers incident and belonging to corporations under the laws of the state of North Carolina. The band was incorporated by the general assembly of North Carolina March 11, 1889. (Laws of North Carolina, 1889, chapter 211, page 889.)

The Eastern Band of Cherokees of North Carolina, 1,520 in number, reside on lands in portions of Cherokee, Graham, Jackson, and Swain counties, in southwestern North Carolina. There is no reservation, but the tract occupied by these Indians, known as the Qualla boundary, contains about 65,000 acres, and is held in fee by the Eastern Band of Cherokees and the Eastern Cherokees once resident of this region, but who removed west, and are now one of the Five Civilized Tribes, occupying lands in Indian territory.

These Indians, although many are full-blood Cherokees, are citizens of the United States and are voters and taxpayers in North Carolina. They are Indians taxed, and are classed as enterprising, moral, and law-abiding. They are almost entirely self-supporting, receiving only a small allowance from the United States for educational purposes.

Farming, lumbering, and day labor are the chief occupations of these Indians, but some few mechanics are found among them. Many of them hire out as farmers and laborers. They have a written language, and while in many respects are progressive, seeking the knowledge best suited to their present condition, still they preserve some traditions and customs of their old Indian life.

The Indian farming tracts are small, as will be seen by the map.

THE EASTERN CHEROKEES.

The total number of Eastern Cherokees in 1890 is given as 2,885. Of this number 1,520 live in North Carolina, and are known as the Eastern Band of Cherokees of North Carolina; 936 are said to live in Georgia, 318 in Tennessee, and 111 in Alabama. In 1884 the number in North Carolina was given as 1,881. Since 1884 some of this band have moved into adjoining states and others have joined the Cherokees in Indian territory. The few living in Kentucky, Virginia, and other states have become incorporated into the white population.

The economic and social condition of the Eastern Cherokees residing in Alabama, Georgia, and Tennessee is about the same as of those residing in North Carolina. They are entirely self-supporting and are citizens of the several states wherein they reside.

The Eastern Cherokees do not now receive any portion of the annuities given yearly to the Cherokees of Indian territory, the Supreme Court of the United States having decided that they were not entitled to participate in them. The Eastern Band of Cherokees of North Carolina receive only a small sum annually from the United States in aid of their schools.

In 1884 Hon. Hiram Price, Commissioner of Indian Affairs, in his annual report, mentioned the several censuses of the Eastern Cherokees, as follows: (a)

In September, 1882, Joseph G. Hester was appointed agent to take a census and make a list of all the Cherokee Indians residing east of the Mississippi river, as required by an act approved August 7, 1882. To assist him in this work I furnished him with copies of 4 previous lists of this people: one taken by J. C. Mullan as early as 1848, containing the names of all who resided in the state of North Carolina at the time of the treaty of 1836, and who had not removed west, and one taken by D. W. Siler in pursuance of an act approved September 30, 1850, which, it is believed, includes all of these people then residing in North Carolina, Georgia, Tennessee, and Alabama. This roll was used by Alfred Chapman, acting for this department, in the following year to make a per capita payment to the Eastern Cherokees, and in doing so he found it necessary from evidence presented to make a few changes, so that a copy of the pay roll made by him was also given to the agent, together with a copy of a list of these people taken by S. H. Swetland under an act approved July 27, 1868.

In consequence of the wide distribution of these Indians and their descendants over many states, a great majority living in localities remote from all usual routes of travel, the task proved to be of much greater magnitude, difficulty, and expense than was at first anticipated, and it was not until the 5th of last January that it could be completed and the list submitted. It contains the names of 1,881 members residing in North Carolina, 758 in Georgia, 213 in Tennessee, 71 in Alabama, 11 in Kentucky, 8 in New Jersey, 5 in Virginia, 3 each in Kansas (at present) and South Carolina, and 1 each in California, Colorado, and Illinois (at present), making a total membership of 2,956.

It gives the English and Indian names (when they have both), the age and sex of each, and the residence or post-office address of every family or single person, together with the relationship of each member of a family to the head thereof. Reference is also made to the numbers opposite their names or the names of their ancestors on the previous rolls above noted that they may be identified there, and there are such marginal references and explanatory notes as special cases seemed to require. Thus, no person's name was enrolled on this list whose name or the name of whose ancestor does not appear on some one of the previous lists, and all except 47 on the previous lists are accounted for, either as dead, as having gone west to reside with the nation in the Indian territory, or by enrollment as now residing east of the Mississippi river. These 47 persons, whose whereabouts could not be ascertained, are believed by their friends and relatives to have either died, gone west, or to be now known by different names from those under which they were previously enrolled. A list of the 47 names is given with this census. While the agent was engaged in the work various persons presented themselves to him, claiming to be Eastern Cherokees or their descendants, whom he declined to enroll, not believing the evidence they submitted sufficient to sustain their claims. He files with the census a list of their names, accompanied by all the papers and information he had received or could obtain in reference to them, which may be useful in case any of those so rejected in future claim that they have been wronged.

The census list, together with all evidence and information available pertaining to it, was laid before a council of the Eastern Cherokees at their request (due notice having been given to the Cherokee nation in the Indian territory to be present by delegates if they so desired), and after having been carefully scrutinized by said council was fully approved by them. A certificate signed by the council to that effect accompanies the list, which list, after having been carefully examined and compared with the previous rolls in this office, was, on my recommendation, approved by the department on the 4th of last February.

ENUMERATION: 1890.

The enumeration for the census of 1890 of the Eastern Band of Cherokees of North Carolina was made by the regular enumerators for the state of North Carolina. The United States Indian agent, James Blythe, a Cherokee (Dis-qua-ni, Chestnut Bread), furnishes the following data collected during personal visitations:

The total number of Cherokees is 1,520: males, 774; females, 746. All wear citizens' clothing. 365 over the age of 20 and 300 under the age of 20 can read, and 180 under the age of 20 can write English. This latter fact is attributable to the efficient school system. 620 Indians can use English enough for ordinary intercourse. The number of children of school age is given as 403, and there are school accommodations for 275. There are 5 schoolhouses owned by the Indians, valued at \$600. They also own and occupy 256 one-story log or block houses.

HEALTH.—1 case of chronic paralysis and 2 of pneumonia are reported. 3 deaf and dumb, 2 blind, and 2 idiotic persons are also mentioned. The number of children under the age of 1 year is given as 38, but the number and causes of death must be supplied from the regular enumeration.

WHITE INTRUDERS.—Agent Blythe, who has had the special co-operation of the United States authorities in investigating violations of the laws relating to the lands of the Indians, reports 56 white families as unlawfully upon the tract, occupying and farming 6,000 acres, most of it good land.

LAND.—About 20,000 acres of land are classed as arable or tillable and 30,000 acres as only fit for grazing. The remainder, consisting of many mountain tracts, is valuable for timber.

The Indians cultivated 2,400 acres during the year, which, with the 6,000 acres unlawfully occupied and cultivated by white people, make 8,400 acres cultivated. The description of this land, together with the maps, is given elsewhere. 500 acres were broken during the year and 3,000 acres are fenced. 1,000 rods of fencing were built or rebuilt during the year. Special reference is made to this careful fencing.

CROPS.—Crops of the value of \$3,859.50 were raised during the year, as follows: wheat, 300 bushels, \$300; oats, 125 bushels, \$62.50; barley and rye, 65 bushels, \$32; corn, 6,000 bushels, \$3,000; potatoes, 400 bushels, \$200; turnips, 150 bushels, \$15; onions, 50 bushels, \$25; beans, 300 bushels, \$225.

STOCK.—Horses, 38, \$1,130; mules, 2, \$150; cattle, 210, \$2,420; swine, 300, \$900; sheep, 160, \$480; fowls, 1,800, \$180.

a The Eastern Cherokees include those who are now known as the Eastern Band of Cherokees of North Carolina.

Eleventh Census: 1890.

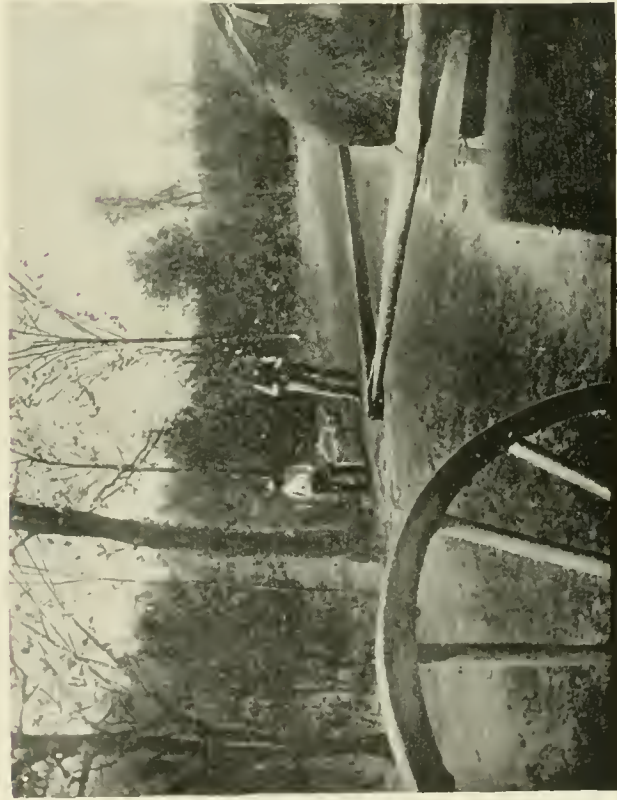
Eastern Cherokees.



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“Eastern Cherokee Training School” and “Mt. Noble.” From “Spray Ridge” and U. S. Indian Agency.

Eleventh Census : 1890.



EASTERN CHEROKEE LUMBERMEN, 1891.

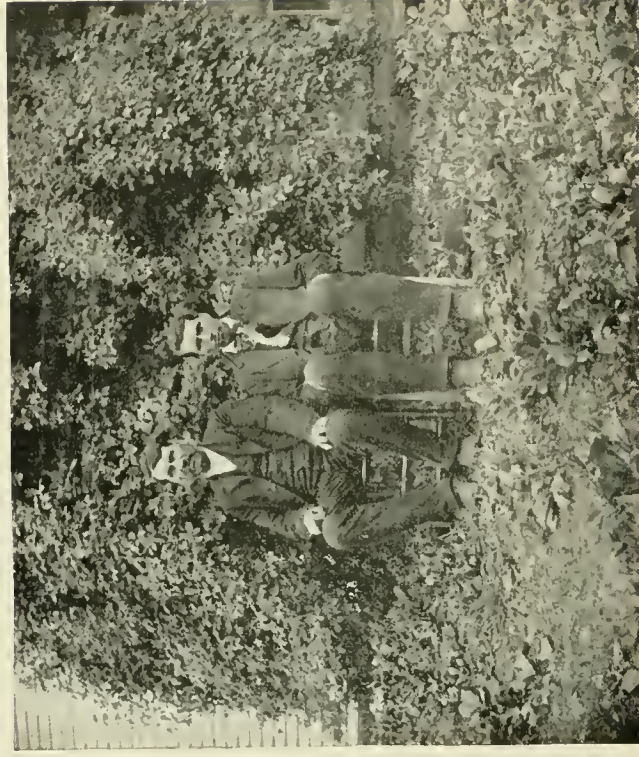


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Eastern Cherokees.



DONALDSON RIDGE AND GAP FROM SPRAY RIDGE, 1891.



JESSE REED AND ANDY STANDING DEER, CHEROKEE, N. C. 1891.

The average earnings of the male Indians above 21 years of age is about \$166 per year; this includes lumbermen. The wealth of the band is placed at an average of \$217.25 per capita. Wages are very low in the mountains of North Carolina, but the cost of living is small, and the Cherokees earn as much and live as well as the white people about them.

The report of Special Agent Carrington is mainly as to the condition of these Indians in the census year 1890.

SCHOOLS.

The training school for the Eastern Band of Cherokees is also a boarding school, with 4 white teachers. It has had 84 boarders, the average daily attendance being 80, and 24 day scholars. The full details of the operation of this school are given elsewhere. The total cost in maintaining this school for 1890 was \$11,264.47, expended as follows: for salaries of teachers and employes, \$3,350; all other expenses, \$7,914.47. The entire expense is paid by the United States from a special appropriation for the Eastern Cherokee training school. The buildings occupied, 11 in number, and also a barn, are owned jointly by the United States and the Cherokees. The school, while a government school, is under the charge of members of the Society of Friends, and its establishment and maintenance by the United States is in the nature of a gratuity.

The school statistics of the 3 Cherokee schools for the year 1890 are as follows:

STATISTICS OF CHEROKEE INDIAN SCHOOLS.

SCHOOLS.	Location.	TEACHERS.			RACES.			School accommodations.	Largest attendance at one time.	SCHOLARS ATTENDING 1 MONTH OR MORE DURING YEAR.			SCHOLARS BETWEEN 6 AND 18 YEARS.		Over 18 years of age.	Average age of pupils.
		Total.	Male.	Female.	Total.	Indian.	White.			Total.	Male.	Female.	Male.	Female.		
Total		5	4	1	5	1	4	145	136	136	68	68	66	68	2	
Big Cove	10 miles northeast of agency.	2	2		2	1	1	60	54	51	28	26	28	26		9.019
Birdtown	2.11 miles southwest of agency.	1	1		1		1	30	30	30	13	17	13	17		11.118
Macedonia or Soco....	4 miles southeast of agency.	2	1	1	2		2	55	52	52	27	25	25	25	2	10.800

SCHOOLS.	Number of months open.	Average attendance.	LARGEST AVERAGE ATTENDANCE DURING ANY MONTH.			NUMBER AND KIND OF BUILDINGS. (a)		COST.				
			January.	October.	December.	Log or block.	Block, weather-boarded.	Total.	Maintaining schools.	Salaries of teachers.	Repairs.	All other expenses.
Total			100	100	100	2	1	\$2,103.04	\$1,022.02	\$910.00	\$59.00	\$112.02
Big Cove	7	26,429	36	36	36	1		819.84	395.42	350.00	29.00	45.42
Birdtown	7	16,429	30	30	30		1	466.92	233.46	210.00		23.46
Macedonia or Soco....	7	30,143	31	34	34	1		816.28	393.14	350.00	30.00	43.14

a The Cherokees own 5 schoolhouses, but only 3 are occupied.

The school buildings are all owned by the Eastern Band of Cherokees, and the expenses of the schools are paid with the interest from the Eastern Band of Cherokees' education fund, held in the treasury of the United States.

ILLUSTRATIONS.

The illustrations herein are from photographs made by General Henry B. Carrington, and show that the Eastern Cherokees, notwithstanding they are self-sustaining and good citizens, after more than 200 years of contact with white people retain the physical features of their race.



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EASTERN BAND OF CHEROKEES OF NORTH CAROLINA.

BY HENRY B. CARRINGTON.

No section of country in the United States combines a greater variety of inland scenery than that occupied by the Eastern Band of Cherokee Indians, embracing portions of the counties of Cherokee, Graham, Jackson, and Swain, in southwestern North Carolina. Nestled between the Blue Ridge on the east and the Smoky mountains on the west, partially sheltered by sharp ranges and lofty peaks exceeding Mount Washington in height, and more than 2,000 feet above sea level, the "Qualla boundary", as it is styled, represents the home locality of 1,520 Cherokee Indians. Swift streams, which abound in speckled trout, wind about all points of the compass for their final outlet, leaving at almost every change of course some fringing skirt of mellow land well suited for farm or garden purposes. Choice timber, ample for all uses for many years, is found throughout the entire region. Strawberries, blackberries, grapes, and wild fruits are abundant in their season, and the peach and apple generously respond to moderate care. The corn crop rarely fails. The potato is prolific in bearing and excellent in quality. Wheat, rye, and oats are cultivated with moderate returns, but sufficient, as a rule, for the population, while melons and all garden products do well. Creeks and small streams and springs are so numerous and ample in flow that the simplest diversion of the water is sufficient for the irrigation of the most reluctant soil. The hay crop is limited by the small meadow area, so that corn husks are the main reliance for stock fodder. The almost universal use of a single steer for plowing and general farming purposes is because of the character of the land, which is made up of steep hillsides and narrow valley strips. Agricultural implements are of the simplest kind. As a suggestive fact, it is to be noticed that the fences are well built and well maintained throughout the farming tracts, even where the most primitive methods of farming prevail. The principal roads, with easy grades, good drainage, and free from abrupt or dangerous inclines, skirt mountain sides or follow water courses. Single trails, that often diverge to cabins which lie among the mountains or on their slopes, are only accessible on foot or in the saddle; but the chief thoroughfares show good judgment and skillful engineering to meet the difficulties which had to be surmounted. Some of these roads are better within the Indian district than over the approaches to or through the settlements of the white people. The houses are nearly all "block houses", a few only being log houses, rarely having a second room, unless it be an attic room for sleeping or storage purposes, and are without windows. Corner-ribs, stock sheds, and tobacco barns are of material similar to the houses, except where, as with corner-ribs, logs are used for better ventilation. Hinges are mainly of wood, and the stairs are constructed of pin poles, ladders, or inclined, slatted planks. Fireplaces are often supplemented by stoves, but there is at all times an abundance of pine knots and similar fuel for light, heat, and cooking. The climate is invigorating and healthful, but cases of pneumonia are frequent, due to the rapid changes of temperature.

Surveys were made in 1875-1876 by M. S. Temple under the auspices of the United States land office. These were embodied in a map published as "Map of the Qualla Indian reserve". The term "reserve" is a misnomer, as the lands so described were purchased for or by the Indians, and were not in any sense "reserved" for them by the United States. The map, however, is recognized by the federal courts in the adjudication of the conflicting claims of Indian and white settlers as a general basis of demarcation, but not as an exact definition of specific titles. The lines, except those surrounding the entire tract, are so entangled as to form a labyrinth of conflicting courses, which are inexplicable by surveyor, court, or jury. The Temple survey located "entries". These, successively imposed, took slight notice of previous entries or, indeed, of occupation. The state of North Carolina received its fees and issued papers with little regard for records or files, a warning to those in search of permits to occupy lands within the country so inviting to incomers. A copy of the Temple map giving the numbers, as from time to time designated, is herewith furnished as a basis for the topographical map, which gives the present roads and the general occupation of the valleys. It also includes county lines. A new survey, already initiated, will be essential to the settlement of existing conflicts of title and any exact definition of title hereafter. Reference will be made elsewhere to the issues involved in the pending survey.

A marginal map, on a reduced scale, indicates the relations of the 11 southwestern counties of North Carolina to each other and to the adjoining states of Georgia, South Carolina, and Tennessee, in each of which states the Cherokees once had lands and homes.

The practical center of interest and divergence in a visitation or description of the Cherokee country is found at the site of the United States agency and the adjoining training school at Cherokee, formerly known as Yellow hill. It is about 6 miles from Whittier, the nearest railroad and telegraph station, and 10 miles from Bryson city, formerly Charleston, the county seat of Swain county. The Ocona Lufta river, which joins the Tuckasegee, a tributary of the Tennessee, less than 2 miles below Whittier, flows directly south along the school grounds, receiving its two principal tributary sources 2.5 miles to the north. The Bradley fork enters through white settlements near the house once the home of Abraham Enloe, which, by an absurd fiction, is associated with the old home of Abraham Lincoln. Ravens fork from the northeast is an impetuous stream, at times a torrent, flowing in its upper course through narrow valleys, coves or pockets, whose soil is rich, deep, and black, like that of the bottoms of the Miami and Scioto in Ohio. On Straight fork of this creek, at the very verge of the line of the Catheart survey, in the last Indian house in that direction, lives Chitolski (Falling Blossom), a Cherokee of means and influence, whose name is expressive of the condition of the corn when the pollen, dropping into the silk, is supposed to bear some part in fertilizing the ear. His home is a new and spacious block house, very comfortable, with the usual piazza in front. Upon accepting an invitation to dine, the water was turned upon the wheel of the mill close by, and fresh meal was soon served in the shape of a hot "corndodger". "Long sweetening" of honey or molasses gave a peculiar sanction to a cup of good coffee, and this, with bacon and greens, supplemented with peaches grown on the farm, made a most excellent meal. This mill is one of many, alike simple in construction, where neighbors deposit their toll of grain, turn on the water, and grind their own meal. Some of these mills have only a slight roof over the hopper and are open at the sides. Chitolski's house is said to be one of the best in the country, and very few houses of the white people upon Indian lands or lands adjacent approach it in comfort. Some large peach trees were loaded with safely developed fruit, and a vigorous young orchard, carefully planted, gave promise of as prosperous a future as those of advanced growth, which bore the pledges of a good autumn product. A horse, several heifers, and chickens and ducks imparted life to the scene, and the host and his wife, whose grown children have sought independent homes, are preparing, with every indication of success, to spend their latter years in contentment and comfort. Chitolski is building a new path out from his snug valley "wide enough for wheels", so that visitors will not be compelled to unhitch and mount harnessed horses to share his hospitality. Specimens of quartz and varieties of spar having suspicious yellow specks were produced and information sought as to their value. The washings of the streams give "gold color", and some claim that they can net \$1 a day when the water is low.

The whole trip to Big Cove, as this region is named, is attractive from its rich soil, its well-worked hillsides, its fertile coves between the mountain spurs, its excellent fences, and the universal indications of well-applied industry. A sudden turn in the road brought in sight a happy boy fishing. He had succeeded in landing two fine speckled trout. The supply of trout at the proper season is abundant for table use. Eastward from the agency, crossing the Ocona Lufta river, below a substantial, elevated foot bridge over the southern verge of Spray ridge and at the foot of Mount Hobbs, the panorama of the Soco valley, with its bright vista, is brought suddenly into view. Mountain spurs, carefully-fenced gardens, well-lined furrows, and gleaming streams are distributed for 10 miles, until closed by the lofty Mount Dorchester, which, at the end of this valley, presents to the view an area of at least 30 miles. Descending from this point of outlook, the valley distance is varied by careful cultivation, with wheat and rye most conspicuous, while several strips of nearly a quarter of a mile in breadth are fenced with stone and irrigated by ditches, showing how resolutely the open spaces are utilized for substantial crops. At a distance of 5 miles the old mission house, long since abandoned for church purposes, still affords a popular gathering place for political and other meetings. At one of these meetings, during the enumeration, more than 100 Cherokees assembled to consult as to a change of their principal chief at the election in 1891, and to protest against any change in the management of their admirably conducted training school. The old building, open and dilapidated in front, is furnished with benches and desk, and the proceedings at the meeting alluded to were characterized by formality and good order.

Less than 1 mile further east, across the creek, is the spacious Soco schoolhouse. Excellent desks and accommodations greatly superior to those of some schoolhouses outside the Indian lines distinguish this school, and the building is also used for church or Sunday-school work on the Sabbath. It is a block house, well hewn, closely jointed, and durable as well as convenient.

At the foot of Mount Dorchester, named in memory of a great admirer of the locality and warm supporter of the training school, and not more than 3 miles distant, one open tract of 30 acres is in good cultivation, while upon the hillsides, so steep that it seemed as if wings or ladders would be needed for tillage, several patches of from 5 to 10 acres were green with well-developed wheat, and on one of the slopes a "working bee" of 30 men, women, and children were uniting their forces to help a neighbor put in his corn. In places where even a single steer could not hold footing with the lightest plow a long line of willing workers hoed successive parallel seed trenches.

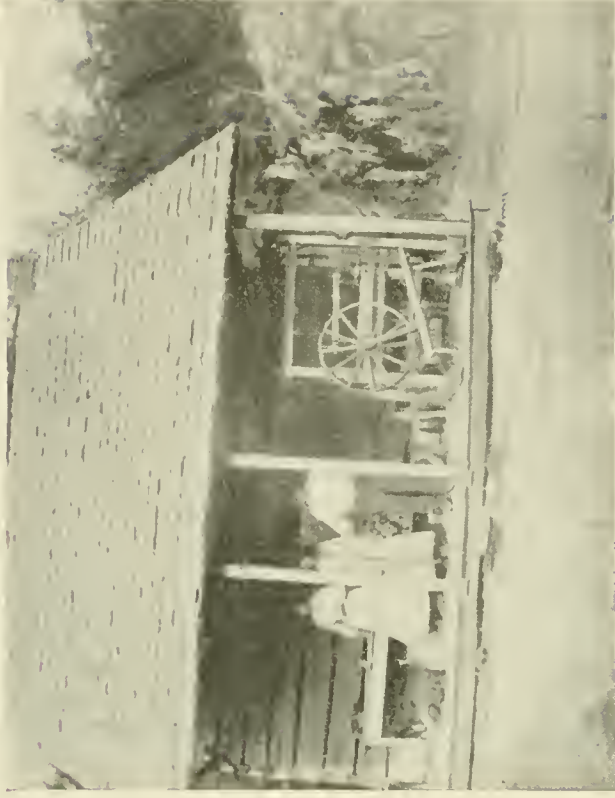
The Soco river enters this valley from the south at Oocomers mill, and at less than half a mile distant is the quaint, uncovered Washington mill, well patronized by the neighbors. Here Big Witch creek joins the Soco, and by a rocky road or trail the cabin of Big Witch is reached. Big Witch is a genial, white-haired Cherokee, who, at the age of 105, was prompt to supply a chair and proud to speak of his great-great-grandchildren.



OCONA LUFTA VALLEY.



BIRD TOWN SCHOOL HOUSE.



COUNCILMAN WESLEY CROW, AT HOME.



"CHAPEL OAK." BIRD TOWN, CHEROKEE NATION, N. C.



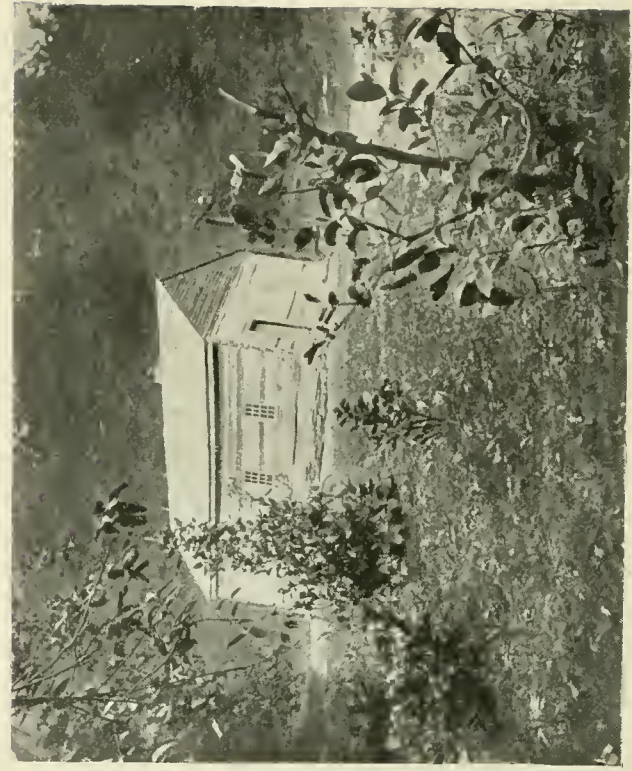
THE OLD MISSION HOUSE.



OLD BIG WITCH AT HOME



INDIAN TROUTING.



SOCO SCHOOL HOUSE.

The Soco valley road is joined at the old mission house by a road from Webster and Whittier. At less than a mile a wagon trail leads to the house of Wesley Crow, a leading Cherokee councilman, who is one of the strongest supporters of the public schools. Penned in by abrupt mountains, at the head of one of the forks of Shoal creek, comfortably supplied with farm conveniences, industriously tilling wheat, corn, rye, and potatoes, he points with great satisfaction to the loom and spinning wheel on his piazza as representing the industries of the household within. The absence of windows was no serious discomfort, as the inside comforts were all that he deemed desirable or necessary. He is a good representative man, steady, industrious, and interested in the welfare of the people. He has been one of the foremost of the Cherokee council in a movement to prevent the selection of Smith as principal chief at the election in 1891, maintaining that only a temperate man, of good moral character, and a friend of the public schools is fit for the place. Principal Chief Smith, a man of sufficient natural capacity to serve the people well, has borne the opposite character of late, although once very prominent. South from the trail leading to Crow's house, as soon as the Indian lands are left, to the bridge across the Tuckasegee, at Whittier, both houses and roads are inferior to those upon the Indian lands, and the fences are poor. Immediately upon crossing the ford below the agency, and without ascending the summit that overlooks Soco valley, a road leads under the ridge, along the Ocona Lufta river, past the comfortable house and well-arranged barns of Vice Principal Chief John Going Welch, until it crosses Shoal creek, just above its union with the river. It then bears away, past the old agency headquarters, the deserted trading house of Thomas, past the residence of Rev. John Bird, a venerable, retired missionary, who long labored successfully among the Cherokees, and is still enthusiastic in their welfare, past the old site marked "Qualla" on the map, and leads off to Webster, the county town of Jackson county, 14 miles distant. A second road from the Soco valley joins it at the old agency, where the broad, fertile tract of Enloe receives full sunlight and well repays culture. The road from the old mission also joins the Webster road near Qualla, and then turns southwest to Whittier. At the ford below the agency the Ocona Lufta river suddenly turns eastward for a short distance, then as abruptly southward and westward, almost encircling Donaldson ridge, which faces the agency. Without crossing the ford, but passing directly under this ridge, the shortest road for Whittier gradually rises, crossing the foot of Mount Noble, and presents at its summit a view of a portion of the Ocona Lufta valley, which is hardly surpassed by that of the Soco valley, the same principal peaks to the eastward having part in the landscape. This road descends westward, passing the old Ute Sherrill homestead and the house of William P. Hyde, a mile from the agency, where it soon rejoins the river, bearing westward toward Bryson city. At the distance of 1.25 miles another dilapidated church stands, and in the center of the highway is a mammoth oak, where in midsummer the Indians gather for church and Sunday-school services in preference to the old church or the schoolhouse a little beyond. The old church is not wholly abandoned, however, the open sides seeming to be no special objection to those who habitually live with doors open for most of the year. A few hundred yards beyond the oak is located the Birdtown Indian schoolhouse. This also is a block house, but has been weatherboarded, and only needs paint to give it a modern dress. The peculiar Indian fancy for suggestive names has devised one for this unpretentious little building: an Indian boy, Willie Muttonhead, after hearing his Sunday-school teacher read the Bible description of the pharisees, in the twenty-third chapter of Matthew, very promptly asked "if their schoolhouse wasn't a hypocrite house".

Less than a mile below the schoolhouse a rude road bears to the right, winds over and between hills near the source of Adams creek, passes the foot of the ascent upon which the new and spacious schoolhouse for the white people of Birdtown is located and the little Birdtown post office kept by Widow Keeler, and enters again the well-traveled road to Bryson city, about 4.5 miles from the agency, as indicated on the map. The most direct road to Whittier leaves this Bryson city road 3.5 miles from the agency, crosses the Ocona Lufta river and the Whittier summit, and then descends rapidly to the valley of the Tuckasegee. The home of William Ta-lah-lah, a prominent councilman, stands upon a hill to the right, shortly after passing Adams creek. All roads which border the numerous creeks are subject to rapid overflow in the rainy season or after heavy summer showers, and the streams become impassable. Simple bridges of hewn logs, often of great size, and guarded by hand rails, supply pedestrians the means of communication between the various settlements until the waters subside. In deep cuts, or where the Ocona Lufta river is thus crossed, substantial trestles or supports have been erected on each shore and in the stream, as no single tree would span the distance. Numerous short cuts or foot trails wind among the mountains and over very steep divides, but all the wagon roads for general travel have been indicated upon the map and described. Wagon trails for hauling timber to single cabins or hamlets are not infrequent.

This somewhat minute description of the map is necessary for a true conception of the character of this people and their neighborly intercourse as of one great family. Their wants are few. They are peaceable, sociable, and industrious, without marked ambition to acquire wealth, and without jealousy of their more prosperous neighbors.

CHEROKEE INDUSTRIES.

The main occupation of the Eastern Band of Cherokees of North Carolina is that of farming. The acreage is very limited in each tract, but crops more than sufficient for home necessities are generally realized. Seed sowing is mainly done by hand, because the use of machinery is impracticable on their hillside farms. Hand sowing is also practiced among the white people upon adjoining lands, and the growing crops indicate very sparse and unequal spread of the seed. The mountain soil and occasional sand levels need a fertilizer in order to replace the waste of annual tillage, but the steep declivities, where patience has secured a good planting, are often swept by storm torrents, so that fertilizers retain only a slight hold. It is impossible to visit the different sections without the conviction that the people of both sexes, children included, are domestic and industrious. With the exception of blacksmithing, some cobbling, and plain harness work, mechanical trades have few followers. The men are expert with the ax, however, hewing out thick planks for wagon beds, and the timber of the block houses is well shaped and well fitted. Ingenuity and skill are exhibited in pottery, but as a business it has ceased to be profitable. Plain ironwork is done by a few, and Sololah makes a good knife, with well-tempered blades. Davis Welch, a wagon maker, runs his forge bellows by convenient water power. Wooden spoons, both beautiful and useful, are made from the laurel, and there are those who can manufacture "ancient relics" as well as white men, and can at short notice produce the "genuine old furniture of colonial times". Baskets are also made from oak splints and the cane for household and farm uses, but this is no longer followed as a general industry. The material for an expansive industrial development of this people is at hand. Already, by their contact with the progressive civilization which is reconstructing society and all external home surroundings, they are hinting that frame houses with glass windows are better fitted for home comforts than those now in use; but the cost of lumber and hauling is an obstacle to the construction of this class of houses, for little returns in money come from the small farm surplus. The oak, pine, holly, laurel, walnut, chestnut, sourwood, service, mulberry, hemlock, spruce, and sassafras woods cost practically only the felling and hauling, and the supply, which is abundant, will continue for years. A single sawmill established near the government agency would soon revolutionize the building system and bring cash returns, which could be used in the cultivation of the freshly cleared lands. Trespassers have already commenced systematic robbery, and the federal courts are handling the offenders. The whole system of hitherto crude bridge making will be changed when heavy lumber is within reach, and ready communication, almost wholly suspended during several months by high waters, will break up the isolation of many farmers and stimulate the entire people to a higher plane of living. Access to schools and to neighboring markets will be quickened in proportion as the secluded trails for the foot traveler or single steer give place to good roads, which are only possible in that mountain region when bridges, well built above high-water mark, become frequent. Suitable clay for the manufacture of brick is accessible, as well as kaolin, which is rapidly making the village of Dillsboro a beautiful and flourishing commercial center.

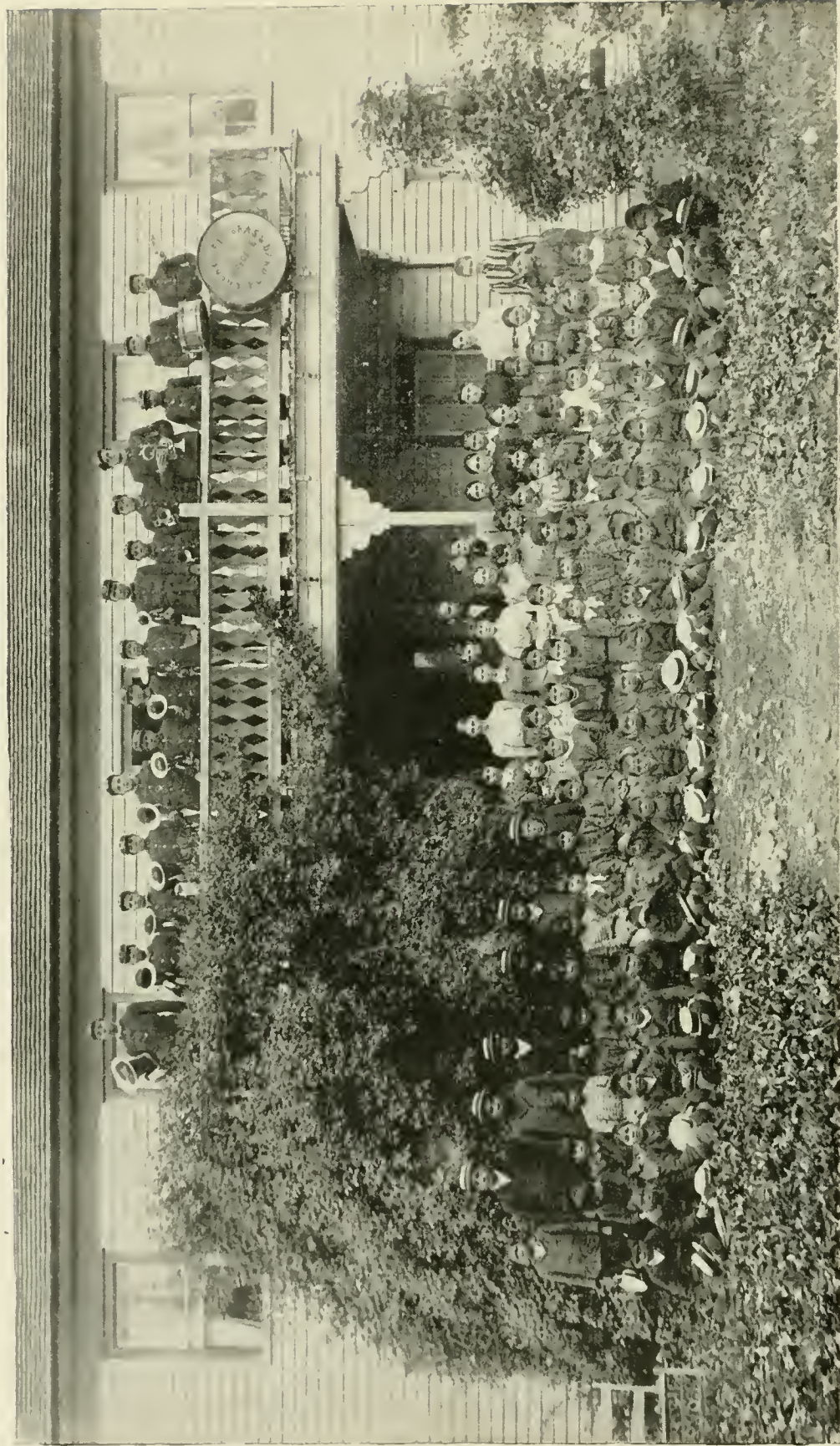
RELIGION AND MORALS.

The superstitions and religious extravaganzas of ancient times have almost disappeared. Lingering fancies as to witches and witchcraft crop out from time to time among these Indians, but in no more unreasonable forms than among their neighbors. The church organizations are in a languishing condition. While the people as a whole are christian in theory and no pagan element remains, the early mission enterprises among the Cherokees have not advanced with the intelligence and physical prosperity of the people. Both Baptists and Methodists early occupied the field, and with marked success. At present the old church buildings, indicated on the map, and one adjoining the agency, all equally dilapidated, are uninviting and of no value in bad weather. Schoolhouses are used both for public worship and Sunday-school gatherings, as the population is neither numerous nor rich enough to erect and sustain independent churches. The erection by the government of a suitable building near the agency for public meetings and use upon the Sabbath by the different denominations in turn would meet the demand and prove a great benefit to the people. The Cherokees would contribute the lumber and labor necessary for its erection. Religious denominational jealousies and proselytism have had their part in this apparent religious declension, and the Indians are no less susceptible to such influences than white people. At present the rules adopted for the management of the common or district schools by Superintendent W. H. Spray, of the Cherokee training school, who has charge of all the schools as well, are decidedly in the direction of religious and moral progress throughout the territory. No teacher is employed who is not a christian man or woman, but no preference in the selection of teachers is shown as to the different evangelical denominations of the Protestant church. There are no Catholics among the Cherokees. The school buildings are also readily opened for religious meetings, and in addition to this the training school, while nominally under control of the Friends, is thoroughly catholic in spirit and wholly without bigotry or proselytism in its management. The attendance at this school habitually of about one-fourth of the children of school age, where religious training forms a cardinal feature of the work, has its wholesome effect elsewhere.

Rev. S. G. Owen, of the West North Carolina Baptist convention, preaches three times each month in some one of the districts, receiving a salary of \$500 per annum. Connected with the Baptist church as Indian helpers

Eleventh Census: 1890.

Eastern Cherokees.



New York Engraving & Printing Co.

Cherokee Training School, "Home," Swain, Co., N. C.

or ministers are John Jackson, of Graham county, and Suata Owl, John Kamut, and Armstrong Cornsilk, of Swain county. The contributions, as reported by Mr. Owen, average about \$1 a Sabbath, which is applied to the allowance from the Baptist convention. The communicants, widely scattered, and consequently irregular in their attendance at church, are estimated at 100, many once active members being counted as backsliders or indifferent. Rev. J. A. Wiggins, of the Methodist church, visits the territory once a month, and Stamford George, a Cherokee minister, is one of the most consistent and active workers of that denomination. John Long also does ministerial work. Rev. Mr. Bird, already referred to, and worthy of special honor for a long life of self-sacrificing toil in this field, where he will spend his remaining years, considers a central place of worship of great importance, and, with Mr. Owen, regards the present a fit time for increased effort to reach the Cherokee families for good. Both denominations should increase their means of usefulness among the Cherokees, and they should receive a liberal support. The absence of the Cherokee from the criminal courts, the uniform observance of the marriage rite, the character and development of the schools, and the industry of the people are signs of real progress. Evidence on file at the Interior department shows that illegitimate births are less frequent than among the white people. The recent determination of the leading Cherokee councilmen and citizens to make morality, a fair education, and temperance the essential prerequisites of their candidate for principal chief at the fall election of 1891 is a true index to the purpose of this people as to their future. There are no formal temperance organizations among the Eastern Band of Cherokees, but intemperance is not common. Among those who have indulged to excess the principal chief has been the most prominent, but his influence, once paramount, has now little effect, and three-fourths of the council of the nation are opposed to his habits and policy. He declares his purpose, however, to reform and present a better example. Heretofore he has been a man of much pride and dignity, and he might still do much for this people if in full accord with educational, moral, and religious progress. At the training school, which is the center of interest, no employé is retained who is either intemperate or profane. This institution, with its many pupils and its liberal market arrangements with the Indians, exerts an elevating and wholesome influence in all directions.

EDUCATION.

There are at present among the Eastern Band of Cherokees 3 schools of a common-school grade in addition to the Cherokee training school, initiated by an eminent christian scholar, Barnabas Hobbs, of Indiana, a member of the Society of Friends. There was also a grammar school in Graham county, but it was abandoned because the children were few and scattered and several of them attended the training school.

Big Cove school is 10 miles northeast from the agency, on Ravens fork of the Oconia river. It has 2 teachers, both males, and is sustained at a cost of \$819.84. There are accommodations for 60 pupils. The largest attendance during the year was 54, of whom 28 were males and 26 females, all between the ages of 6 and 18 years. The average age was 9.019; the average attendance for 1 year was 26.429; the highest average attendance for 1 month, that of January, was 36.

Birdtown school is 2.11 miles southwest from the agency, with 1 male teacher and accommodations for 30 pupils, and the whole number, viz, 13 males and 17 females, all between the ages of 6 and 18, attended, their average age being 11.118. The average attendance during 7 months was 16.429, and the highest average attendance any one month, that of December, was 30, the full number. Schega Wella missed but 2 days in 2 years.

Macedonia school, on Soeo creek, above the old mission house, already mentioned in connection with the topographical outline of the Qualla boundary, is supported by the interest, payable annually, from an educational fund held in trust by the United States for the Eastern Band of Cherokees. The 2 other schools are also maintained from the same fund. The expense of the Macedonia school for the census year, including salaries, was \$816.28. There are accommodations at this school for 55 pupils, and the largest attendance was 52. This number, viz, 27 males and 25 females, attended more than 1 of the 7 school months during the year. Of the scholars 2 were over 18 and none were under 6 years of age, their average ages being 10.8. The average attendance for 1 year was 30.14, and the largest monthly average attendance (October) was 34. 2 teachers, 1 male and 1 female, were employed. Stacy Johnson and Amy Johnson missed but 1 day each in 2 years.

SCHOOL STATISTICS.

Number over 20 years of age who can read.....	365
Number under 20 years of age who can read.....	300
Number under 20 years of age who can write English.....	180
Number who can speak ordinary English.....	620
Number who can not speak English.....	385
Children of school age.....	403
School accommodations.....	275

The Eastern Band of Cherokees have a written language, and this furnishes the basis for a rapid development in proportion as vigorous schools are maintained under interested and judicious instructors.

THE CHEROKEE TRAINING SCHOOL.

The Cherokee training school, established under the auspices of the Western Meeting of Friends of the state of Indiana, occupies for school and farm purposes nearly 50 acres of land along the Oona Lufta river, at the foot of Mount Noble, as indicated on the map. 39 acres of this land were purchased by the Friends from the heirs of Longblanket, the Cherokee chief.

The inspiration of the enterprise from the first has been the earnest and intelligent purpose of Barnabas Hobbs (well known as former superintendent of schools for the state of Indiana, and well known also in Europe for his labors in behalf of general peace) to combine moral, educational, and industrial training for the Cherokee youth under a formal home system of management. This work, after many trials and much local opposition, has been most successfully developed.

This Cherokee training school was a natural result of a system initiated by General Grant whereby various religious bodies were encouraged to enter into contracts for the education and training of Indian youth. The council of the Eastern Band of Cherokees made such an agreement with the Friends for a term of 10 years, which term expired in May, 1890. The majority of the council favored its indefinite continuance. The principal chief, Nimrod J. Smith, interposed his veto, and, although nearly at the end of his term of office, obstinately opposed the general wish of the people, and left the matter unsettled.

The school is under the direction of 4 teachers, all female, and 9 other employés, 13 in all, of whom 10 are white and 3 are Indian. The number of pupils who can be properly and healthfully accommodated in the main building, the boarding house, is 90, including 20 day pupils. As many as 84 have been accommodated. 43 males and 41 females have attended the school more than 1 month, in addition to 15 male and 9 female day scholars, all between the ages of 6 and 18 years. The school was maintained 10 months, with an average attendance of 80 boarding pupils and 5.20 day pupils. The average age of the boarders is 9.071, and of day pupils 10.042. During the month of September, 1889, the average attendance of the boarders was 80, and of the day pupils 17.708. The cost of maintaining the school was \$11,264.47, from the government appropriation of \$12,000. Industrial work forms a marked feature of duty, and this includes farming, fruit culture, gardening, grazing stock, and some shop work. The general duties of the housewife are taught the girls, as well as plain sewing and other needlework. Scholars take their turn in laundering, cooking, and housework, so that all learn to make bread and qualify themselves for all kitchen duty. Practically 125 acres have been cultivated. 50 bushels of wheat, 500 bushels of corn, 75 bushels of oats, 600 pumpkins, 10 tons of hay, and 50 pounds of butter are among the products of the industry of the school. The boys and girls have acquired and take care of 33 swine and 150 domestic fowls. 5 horses and 56 cattle, including 25 milch cows, form the stock of the institution. 4 frame houses and 7 outbuildings are owned by the government or the Cherokee nation, of which one, a spacious, well-arranged barn, costing \$400, was erected during the year. The salary of the superintendent and matron, besides board, is but \$1,000 per annum, and the highest salary paid any teacher or employé is \$30 per month. The week-day programme of exercises fitly illustrates the excellence of the superintendent's management, and explains the high order among schools which the Cherokee training school has attained. It is as follows: morning bell, 5 o'clock; breakfast, 5.30; industrial work, 6 to 9; school exercises, 9 to 11.15; dinner, 12 m.; industrial work, 12.30 p. m.; school exercises, 1.30 to 4; industrial work, 4 to 6; supper, 6; recreation, 6.30 to 7; evening study, 7; evening prayers, 8; retiring bell, 8.30.

According to age and necessity, a portion of the hours for industrial work and evening study is used for such occupations as partake of the character of recreation, and an excellent brass band among the boys is the result of one phase of this system. At the breakfast hour a few verses are read from the Bible, followed by a brief prayer, and the blessing upon the meal is either uttered by a teacher or the school in unison. The Sabbath exercises are varied by Sunday-school recitations, but no sectarian or dogmatic teaching has a place at any time. The familiar but proper forms of a large family are observed at all hours, and the handshaking "good night" is as pleasing and genial as if all were indeed one family in fact. Religious instruction is largely a matter of precept and example, without catechismal or other straight forms for the inculcation of principles of right and duty.

During the year the hostility of Chief Smith disturbed some of the friends of the school, and the overwork imposed upon the superintendent, with corresponding delay to keep the Friends, founders and patrons of the school, promptly advised of its monthly or quarterly condition, led them to propose a summary change. This would gratify the chief's spite and please jealous neighbors, who desire the Friends to lose control of the school, although such a change would prove signally disastrous to its best interests. The school had better be wholly under government control than undergo so sudden and revolutionary a change. A contract was drafted at the request of parties interested, Superintendent Spray and the Friends, and its execution in good faith will banish distrust and impart new life to the institution. The nation as a body has implicit confidence in the management, and its moral influence is great and increasing.

Eastern Cherokees.

Eleventh Census : 1890.



Boys Dormitory. Eastern Cherokee Training School, Swain Co., N. C.

NEEDS OF THE CHEROKEE TRAINING SCHOOL.

Greater accommodations are needed, and the funds necessary for an increase of the pupilage to 125 should be appropriated. All buildings need painting. A shop for industrial trades is a necessity. The piping for water, near by, should be so enlarged and developed as to secure a fire cistern, and appliances for use against fire should be provided. A sawmill should be built, the water power being convenient and abundant. Already the superintendent buys produce largely from the Indians, and secures for them many articles of clothing at cost. This offends visiting merchants, who are not always free from the suspicion that ardent spirits reach the Indians through the carelessness of their employés, so that every local means promotive of self-reliance, independence, and industrial development should have government sanction and support.

The general management of the institution by the Friends and their representatives has been catholic in spirit, conciliatory toward all denominations, and liberal in its recognition of the demands of the times. Misrepresentations awakened anxiety, but an examination of the property, assets, and management resulted in the vindication of the general policy of the superintendent; but a more exact and responsible system for future development was formulated. The recognition of the personal integrity of Superintendent Spray and wife, and the extraordinary success of the school, with such limited resources, was not allowed to overcome the conviction that a more exact system of record and account was necessary to inspire full faith in future success. A capable and reliable assistant superintendent, responsible to the superintendent, is greatly needed, and salaries should be the same as in government schools proper. The proposed summary change was at a time when only injury could result, and against the wishes of the moral and reliable portion of the Cherokee nation.

The large building called the boarding house was erected by the United States. The Friends have made valuable investments, partly from trust funds, which should be fully reimbursed in case the school shall come under the formal management of the Interior department.

HISTORICAL OUTLINE.

The Eastern Band of Cherokees have been thus officially recognized to distinguish them from that portion of the nation which emigrated west, between 1809 and 1817, and located on the public domain at the headwaters of Arkansas and White rivers, now in Cherokee nation, Indian territory. The latter became known as the Cherokee nation west, while the general term, the Cherokee nation, included both. Between 1785, when certain boundaries were allotted to these Indians for hunting grounds, and 1809, when the movement westward was initiated of their own deliberate choice, annuities were from time to time granted by the United States in consideration of the successive sales to the United States of portions of their land.

By a treaty made in 1817 the Cherokee nation ceded to the United States certain land lying east of the Mississippi river, and in exchange for the same the United States ceded to that part of the nation on the Arkansas river as much land on said river, acre for acre, as the United States received from the Cherokee nation east of the Mississippi river, and provided that all treaties then in force should continue in full force with both parts of the nation.

As early as 1809 the aggregate of annuities due the nation on account of the sale of lands to the United States had reached the sum of \$100,000, and it was provided by articles of the treaty of 1817 that a census should be taken of those east and of those west, and of those still intending to remove west, and also that a division of the annuities should be made ratably, according to numbers as ascertained by said census, between those who were east and those who were west. Thus the tribe or nation, although geographically separated, was treated as a unit, and all property owned by it was treated as common property.

By a treaty made in 1819 the formal census was dispensed with, and for the purposes of distribution it was assumed that one-third had removed west and that two-thirds were yet remaining east of the Mississippi river. At the same time the nation made a further cession to the United States of land lying east of the Mississippi. Upon the basis of this estimate of numbers, in lieu of a census, annuities were distributed until the year 1835.

By a treaty made in 1828 with the Cherokees west the United States guaranteed to them 7,000,000 acres, with a perpetual outlet west as far as the sovereignty and right of soil of the United States extended. This vast tract was in what is now known as Indian territory, and the Cherokees at the same time surrendered the lands occupied by them on the Arkansas and White rivers, to which they had removed between the years 1809 and 1817. By the same treaty special inducements were offered to those east to remove west, including a rifle, blanket, kettle, 5 pounds of tobacco, and cost of emigration, with a just compensation for the property which each might abandon.

The treaty of 1833 simply redefined the boundaries of the land mentioned in the treaty of 1828. In 1835 the Cherokees still held a quantity of land east of the Mississippi larger than the states of Massachusetts, Rhode Island, and Connecticut. It had been agreed that the United States Senate should fix the price that should be paid for these lands in contemplation of the cession of the same to the United States. The Senate fixed the price at \$5,000,000. The original draft of the treaty of 1835 authorized such Cherokees as so desired to remain east, and in such event to set apart certain lands to them. By a supplemental treaty in 1836 the United States initiated the

policy of compelling the Eastern Cherokees to remove west. General Scott employed troops for the purpose. It was a fearful policy. The Indians were hunted over their native lands as if they were wild beasts. As many as escaped capture clung to their homes, and by the treaty of 1846 it was agreed that they might remain.

Cross suits and conflicts between the two bands of Cherokees as to their rights to different funds have occupied the attention of the federal courts and the Court of Claims proper. Present litigation involves more especially their title to the lands now occupied by them, which were purchased for them by their agent, W. H. Thomas, as trustee for that purpose, from their share of funds held by the United States for their benefit. Encroachments upon these lands, plundering of timber, and all forms of aggression are still harassing their peace and antagonizing their efforts to be an industrious, contented, and prosperous portion of the people of North Carolina. The details of the litigation in progress and the failure of Mr. Thomas to secure or preserve the muniments of a perfect title to the lands he purchased in their behalf are not admissible in this brief outline of their condition in 1890. The looseness with which, for a small fee, the state of North Carolina permits entries upon lands known to fall within the territory embraced in the deeds by Mr. Thomas adds its uncertainty to aggravate the unrest which is everywhere visible among this people as to what they really own in consideration of the money with which they parted, they rightfully expecting valid and permanent titles. The Eastern Band of Cherokees are good citizens, moral and industrious, in spite of the jealousies of white people and the unworthy forms of moral constraint by which it is sought to force them from the homes they own.

In the year 1874, pursuant to act of Congress passed in 1870 (16 United States Statutes, page 139), which authorized these Indians to institute suit in the circuit court of the United States for the western district of North Carolina against Thomas, a reference of the subject-matter of conflict was made to an able commission, consisting of Rufus Barringer, John H. Dillard, and T. Ruffin. A decree of award was subsequently made in accordance with the findings of the commission, and since their approval in November, 1874, and a confirmatory act of Congress in 1876 proceedings have been in progress to define the exact boundaries of the various tracts set forth in said award and to discover the chain of title through which Thomas and his representatives derived the same. (See House Executive Document No. 196, Forty-seventh Congress, first session, for particulars respecting the conveyance of the Qualla boundary, stated as 50,000 acres, to the Eastern Band of Cherokees of North Carolina, October 9, 1876, and conveyance of August 14, 1880, of 15,211 acres to the Commissioner of Indian Affairs and his successors of outlying lands in Cherokee and other counties, in trust for said band.) (a)

GOVERNMENT AND POLITICS.

At a general council assembled at Cheoh, December 9, 1868, the Eastern Cherokees placed upon record the following declaration:

We, the Eastern Cherokees, being desirous of holding our general council in some organized form and established manner and under a like form as other tribes of Indians who are desirous of adopting a republican form of government, and restricting, controlling, and compensating our rulers, do hereby enact as follows:

That hereafter each Cherokee settlement or town shall be entitled to one delegate for each member of such settlement, who shall represent them in said general council, and that said general council shall meet once in each year on — of —; that said general council shall, from their number when convened, elect one of their number who shall be chairman or president of said council, and who shall be president or chief of said Eastern Cherokees for the term of time so directed by said council, not exceeding four years, and in case of choice each settlement may petition said council in writing upon any subject. Said council shall have power to elect a secretary and interpreter of the council and marshal of the nation, and fix the duties and compensation of the same. Said council shall have the power to prepare and adopt by-laws and rules for the general government of the people and the duties of each national officer, and also the compensation of said council, and assess the national funds and property to pay the same. Said council may prepare by-laws and police regulations and other rules, and submit the same to the nation in general council assembled, and a majority vote shall adopt or reject the same. They shall also prepare a system of schools in each settlement and provide for the election of a superintendent or board of trustees, who shall organize the same in accordance with said regulations. Said council may, in their discretion, fix a place and day or days for holding a national fair, where each person may present samples of grain, stock, weaving, knitting, spinning, needlework, butter, and any article of agricultural product or fruit, and domestic or mechanical product; and also a measure proving amount of crop per acre, and the number of acres cultivated in any crop, and fix committees to grant premiums thereon and name the same, and one premium for the best general system of farming to be shown by the general statement.

Signed in Cherokee: John Wayne-na, chairman; Long Bear, Allen Ratler, Trumper, William McElmore, John Ax, Sowanooka, Ken-ska-leskee, Tah-quah-tee, James Blythe, Skeegce, John Large, Wilson Ax, Mink.

Attest:

N. J. SMITH,
Clerk of the Committee and Council.

QUALLA TOWN, JACKSON COUNTY, NORTH CAROLINA, November 26, 1870.

In conformity to previous appointment, and notice having been given previously to the different towns composing the Eastern Band of Cherokees, a grand council is this day organized by appointing Suata Owl and Cornassel, chairmen, and John Lige and Samuel W. Davidson, clerks.

The credentials of the delegates were presented and referred to a committee consisting of the following: Jackson Blythe, Will McElmore, Swimmer, Young Squirrel, Ah-mah-chu-ah, Wilson Wolf, Tom Skitty, Sam Wolf, Lewis Smith, Leander Hornbuckle, John Dobson, and

a The presence and assistance of George H. Smathers, esq., acting assistant United States attorney for the western district of North Carolina, and especially representing the Cherokees, greatly aided inquiry respecting their present legal status in the federal courts.



RATTLESNAKE PEAK, ABOVE THE CLOUDS.



U. S. INDIAN AGENT, JAMES BLYTHE, Son-in-Law of Chief Smith, on the right.
SAMPSON GEORGE, on the left. Mt. Noble in back ground.



VALLEY OF THE SOCO

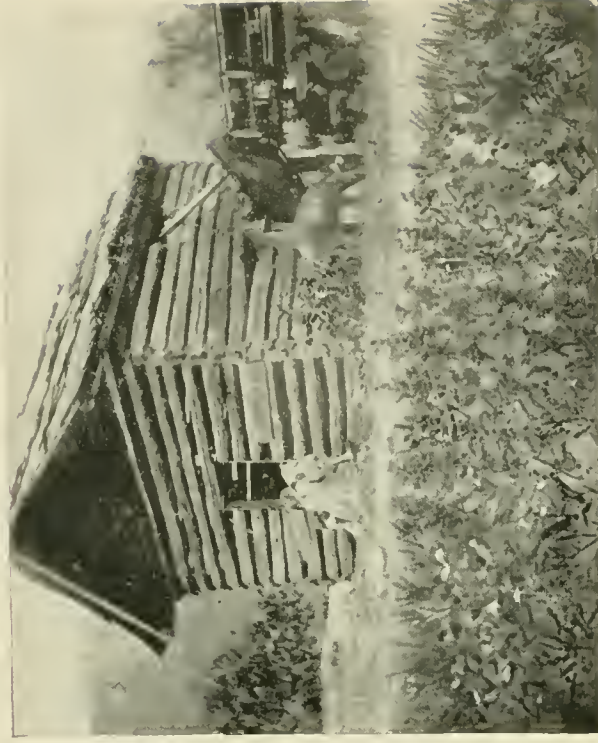
New York Engraving & Printing Co.



COUNCILMAN, Yo-na Caley, "Climbing Bear."
Three daughters and grandson of Chief Smith.



OPEN MILL

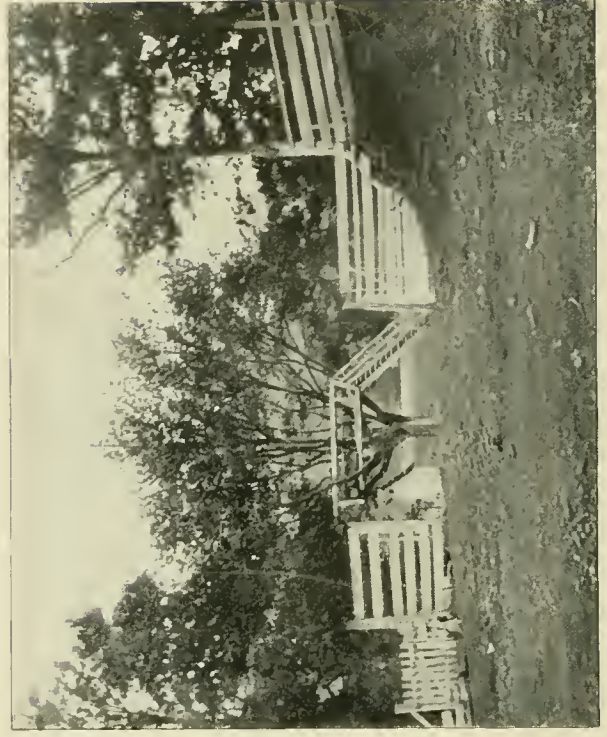


CLOSED MILL



EASTERN CHEROKEE PLOWING WITH 1 STEER.

New York Engraving & Printing Co.



MULBERRY TREE BAND STAND, EASTERN CHEROKEE AGENCY
NORTH CAROLINA.

Willigeh, who, after examining the credentials, reported favorably, and the following delegates then presented themselves, to wit: From Long Ridge, Cherokee county, R. B. Smith, John Going, Will West; Hanging Dog, John Owl and Teceteska; from Cheoh, Jacob Cheer and L. R. Welch; Buffalo, Standing Deer; John Jackson as proxy for Sand Town and Henry Smith for Notla.

The delegation then came forward and signed their names as follows:

Jackson county, N. C.: Black Fox, Wolf Town; Wilson Welsh, Wolf Town; George Wilnota, Paint Town; Joe Welch, Paint Town; Le-ya-nah, Lufta; Lewey Owl, Lufta; Jim Ross, Bird Town; Benj. Brown, Bird Town; Axe, Raven Fork; Oolenasseh, Raven Fork.

Cherokee county: R. B. Smith, Long Ridge; Will West, Long Ridge; John Going, Long Ridge; John Owl, Hanging Dog; Teceteska, Hanging Dog; Jacob Cheer, Cheoh; Loyd R. Welch, Cheoh; Henry Smith, Notla; Standing Deer, Buffalo; John Jackson, Sand Town.

Will McElmore, Lower Hanging Dog, signed in presence of Samuel W. Davidson, clerk.

Ordered by the council that an election be held on Thursday, December 1, 1870, for principal chief, to serve until our next annual election in 1871.

December 1, 1870.—The council met pursuant to adjournment and proceeded to business. The election of principal and second chief was then opened and held and resulted in the election of Flying Squirrel, or Call-lee-high, as principal chief, and John Jackson, Oo-wah-lun-tee, as second chief.

The form of government referred to the committee was reported favorably.

It was then moved and seconded that the constitution be adopted by the council, which motion was carried unanimously, and the constitution as adopted is as follows:

1st. Whereas the legal representatives or councilmen of towns or settlements of the Eastern Band of Cherokee Indians have this day and date, at the place aforementioned, met according to general agreement and understanding.

2d. Said council be, and is hereby, duly authorized and empowered by representation, as the undersigned showeth, to provide for the common interest and enact measures by which the aforesaid band of Indians may be represented in prosecuting or defending all matters pertaining to or touching the interest of said band of Indians with the United States, or state or states, or individuals of the United States, in whatever relation said interest may be, provided that nothing herein be so construed as an abrogation of any rights, claim or claims, of any individual or individuals of said band to the legislation of said council in common property.

3d. All members constituting the aforesaid council shall be, and they are hereby, governed and bound by all acts passed in council of delegates and approved by the chief.

4th. All acts done, made, and confirmed in grand council, as aforesaid, shall be effectual and binding upon all members belonging to or constituting the aforesaid band, as a band, in all matters held in common or pertaining to the common interest of said band and not otherwise.

5th. Provided, further, that there be and the council is hereby authorized to appoint an annual session for holding grand councils at such place and time as they may designate and determine on, and no called or appointed council otherwise held shall be held valid or binding upon the aforesaid band or the subjects thereof unless the chief, in his judgment and reason, thinks the interest of said band demands or justifies such called or appointed council; also, that there be ordered a stated election to be held in each town and settlement for the purpose of electing first and second chiefs, whose power and right of governing shall extend over the whole band of Eastern Cherokees for and not exceeding the term of 2 years; also for the electing all subaltern officers to constitute the aforesaid annual council. The said subordinate term of office shall not exceed 1 year only by the annual election of the band. The right of vote by which said band shall be governed shall be exclusive and consist only of its male members of 16 years of age and upward. And the aforesaid officers so elected shall have the exclusive right to govern and rule, and all the acts done, made, or had by said officers for the term elected shall be binding, held binding, and in full force upon said band. The aforesaid chiefs so elected shall have no power nor hold any right of jurisdiction to enact or enforce laws within themselves over the band of which he presides as chief, but in all cases or interests conflicting or touching the common rights of said band the legal representatives shall be duly notified by the chief and the legislative body assembled.

Signed in Cherokee: Flying Squirrel, principal chief; John Jackson, assistant chief; Black Fox, Wilson Welsh, George Wilnota, Joe Welch, Le-ya-nah, Lewey Owl, Benj. Brown, Ax, Oolenasseh, Ross B. Smith, Will West, John Going, John Owl, Teceteska.

AMENDMENTS TO THE CONSTITUTION OF THE EASTERN BAND OF CHEROKEE INDIANS.

The Eastern Band of the Cherokees having again reunited and become one body politic under the style and title of the "Eastern Band of the Cherokee Indians"; therefore:

We, the people of the Eastern Band of the Cherokee Indians in annual council assembled, in order to establish justice, promote the common welfare, and to assure to ourselves and our posterity the blessings of freedom, acknowledging with humility and gratitude the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring His aid and guidance in its accomplishment, do ordain and establish these amendments to the constitution for the government of the Eastern Band of Cherokee Indians.

ARTICLE I.

SECTION 1. The power of the Eastern Band of the Cherokee Indians shall be divided into two distinct departments, the executive and the legislative, the executive to consist of the principal and assistant chief, and the legislative of the council.

ARTICLE II.

SECTION 1. The legislative power shall be vested in a council, and all enactments of the council shall be signed by the chairman of the council and approved by the principal chief, and in all their deliberations the vote shall be taken by yeas and nays, unless otherwise directed by the council.

SECTION 2. Each member of the annual council, before he takes his seat to transact any business of the council, shall take the following oath (or affirmation):

"I, A B., do solemnly swear (or affirm) that I have not obtained my election or appointment as a member of this council by bribery or any undue or unlawful means or duress or fraud, used by myself or others, by my desire or approbation for that purpose; that I consider myself constitutionally qualified as a member of this council, and that on all questions and measures which may come before me I will give my vote and so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of the Eastern Band of the Cherokee Indians, and that I will bear true faith and allegiance to the same, and to the utmost of my ability and power observe, conform to, support, and defend the constitution thereof".

ARTICLE III.

SECTION 1. No person shall ever be eligible to any office or appointment of honor, profit, or trust who shall have aided or abetted, counseled or encouraged any person or persons guilty of defrauding the Eastern Band of the Cherokees, or who may hereafter aid or abet, counsel or encourage any pretended agents or attorneys in defrauding the Eastern Band of Cherokees.

ARTICLE IV.

SECTION 1. It shall be the duty of the annual council to pass such rules and regulations as may be necessary and proper, and to decide differences by arbitrators to be appointed by the parties who may choose that summary mode of settlement.

(Abstract.)

Supreme executive, the principal chief, term 4 years; vice or assistant chief. By males of 18 years. Eligibility of either, age 35, and at least one-fourth Cherokee, of band. In case of death, resignation, or disability of both council appoint until removal of disability or successor be elected. Councilman must be 21. Compensation of chief and vice not changeable during term.

Oath of principal chief:

"I do solemnly swear (or affirm) that I will faithfully execute the duties of principal chief of the Eastern Band of Cherokees, and will, to the best of my ability, preserve, protect, and defend the constitution of the Eastern Band of the Cherokee Indians".

Principal chief may on extraordinary occasions convene the council at such place as the council shall designate as the seat of government.

Principal chief from time to time give information as to the state of affairs and recommend measures as he may think expedient. He shall take care that the rules and regulations be faithfully executed; shall visit the different towns and settlements at least once in 2 years.

All officers and members of council take oath, etc. Council for 2 years. Treasurer chosen by council for 2 years and give bond. No money drawn except by warrant from the president in consequence of appropriations by council. Treasurer receive and account for moneys at each session of the annual council.

ARTICLE V. (Abstract.)

No person eligible to any office who denies the existence of a God or a future state of rewards and punishments. Free exercise of religious worship and serving God forever enjoyed, but not construed as to excuse acts of licentiousness inconsistent with the peace and safety, etc. Council may decide the expediency and principal chief nominate to council when necessary to send a delegate to transact business with the United States, and he shall keep up a friendly correspondence through the medium of its proper officers. All commissions to be in the name and by the authority of the Eastern Band of Cherokee Indians, sealed with the seal of the probate court of the county where the council is held, attested by clerk of council, and approved by the principal chief. Religion, morality, and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education shall forever be encouraged and cherished by the Eastern Band of Cherokee Indians. Annual council may propose amendments as two-thirds deem expedient, the same not to be passed until the meeting of the next council.

ARTICLE VI.

Council shall consist of 2 from each town or settlement of 100 souls, of 1 extra on an excess of 200, and for less than 100 still 1. Council, at the annual session, shall appoint 2 judges of elections. In fault of election, a majority may send a delegate with certificate, with the names of those selecting the delegate. Election to be held on the first Thursday in September. Executive council to consist of principal chief, assistant chief, and 3 associates, nominated by the principal chief and confirmed by the council. The annual council shall be held on the first Monday of October at place designated by council, or, on emergency, by the principal chief. The annual council shall be called to order by the assistant chief, and a chairman and clerk be elected. In the absence or neglect of the assistant chief any member of the executive council may organize the council. The officers of the council shall be 1 first and 1 second clerk, an interpreter, marshal, messenger, and doorkeeper. The oath may be administered by any officer of the state or the United States authorized to administer an oath. Conviction of felony shall exclude from office. The annual council may, by a commission, provide for the purchase of land for the Eastern Band of Cherokee Indians; provided, that any commission provided for under this ordinance may be nominated by the principal chief and confirmed by the annual council; provided further, that no act of such commission shall be construed to interfere with or in any manner impair the rights of individual members of said band. The annual council shall, by appropriate legislation, provide a public school system for the Eastern Band of the Cherokee Indians. The veto power exists except against a two-thirds vote. Style of enactment: "Be it enacted by the annual council of the Eastern Band of the Cherokee Indians", etc.

(Signed)

J. W. HILDER, and
T. Z. P. ENOLA, Chairman.

Attest:

JOHN G. TATHAM, Secretary of Council.

HENRY SMITH, Interpreter.

Approved: LOYD R. WELCH, Principal Chief.

CHEOH COUNCIL GROUND, October 13, 1875.

OFFICERS AND COUNCIL OF EASTERN BAND OF CHEROKEES: 1890-1891.

Principal Chief—Nimrod J. Smith (Cha-la-di-hih, Charles the Killer).

Assistant Chief—John Going Welch (Tsani, Always Going).

Chairman of Council—Jesse Reed.

Council—Stilwell Saunooka (Shawnee), Andy Standing Bear (Enidth Ahrwigadawga), Wesley Crow (Caw-daah-ry-ch-lig-is-ki, Crow Marker), Davis George (Dew-isi-ool-ay-oeh, Went Astray), Sampson Owl (Sah-mi-si-nih Oo-goo-coo, Hooting Owl), Bird Salolanita (Young Squirrels), Jessean Climbing Bear (Yo-no-ga-la-ki), Abraham Hill (O-quan-ih), Morgan Calhoun (An-gan-aahf-to-dah, Ground Sausage Meat), Suate Martin (Suy-e-ta Tlu-tlu, Mixed Martin), Will (Ttah-lah-lah, Redheaded Woodpecker), John Mullethead (Tsis-da-qua-lnn-na, Mullethead Fish), Armstrong Cornsilk (Ka-nau-tsi-da-wi Oo-ne-noo-di), and John Davis (Axe, no Indian name).



New York Engraving & Printing Co.

EASTERN BAND OF CHEROKEE COUNCILMEN OF 1891.

Rear Group. Rev. John Jackson Graham, Co., N. C. Morgan Calhoun, Big Cove.
Front Group. Wm. Ta-la-lah, Bird Town. Wesley Crow, Wolf Town.

INCORPORATION OF THE EASTERN BAND OF CHEROKEE INDIANS: 1889.

By an act of the general assembly of North Carolina, ratified the 11th day of March, 1889 (Laws of North Carolina, 1889, chapter 211, page 889), the North Carolina or Eastern Cherokee Indians, resident and domiciled in the counties of Cherokee, Graham, Jackson, and Swain, were created a body politic and corporate under the name, style, and title of "The Eastern Band of Cherokee Indians, with all the rights, privileges, franchises, and powers incident and belonging to corporations under the laws of the state of North Carolina".

By section 2 said Eastern Band of Cherokee Indians was authorized to sue and implead, and might be sued and impleaded, touching and concerning all the property of whatever nature held in common by the said band in said counties.

By section 3 any grants to any person or persons for any of the land held by said Eastern Band of Cherokee Indians, and under whom said Indians claimed title, as also all deeds made by commissioners of the state to any person or persons for what are known as Cherokee lands held by said Cherokee Indians in said counties and under whom said Cherokees claim, are held as valid.

By section 4 it was provided that in all cases where titles or deeds have been executed to the said Eastern Band of Cherokee Indians, or any person or persons in trust for them under that name and style, by any person or persons, either collectively or personally, officially, or in any capacity whatever, such deeds or titles should be held as valid against the state and all persons or any person claiming by, through, or under the state by virtue of any grant dated or issued subsequent to the aforesaid deeds or titles to the said Eastern Band of Cherokee Indians.

By section 5 it was provided that in case any person or persons claiming any part of the lands described in the preceding sections adversely to the said Indians under colorable title or titles shall be sued by reason of such adverse claim, or any possession under such colorable title or titles, said act shall not be used in evidence on either side nor in any way prejudice the rights of either party, but such suit or suits shall be determined as if said act had not been passed.

By section 6 said act took effect from and after its ratification.

SOLDIERS.

The following are the surviving union soldiers of the Eastern Band of Cherokee Indians of North Carolina. The names are correct, but the spelling may differ from that on the muster roll.

John Going Welch, Thomas Otter, James Otter, John Brown, Owkwataga, Mason Ratley, Steve Johnson, John Taylor, John Canott, John Igotpa, David Patridge, James Walkingstick, and Thomas Canott, all of Company D, Third regiment North Carolina mounted infantry; R. B. Smith, company and regiment unknown.

The following are the surviving widows of union soldiers:

Naney Brown, widow of Benj. Brown; no children. Ah-nu-yo-hi Walker, widow of John Walker; 1 child under 16 years of age; married since death of soldier, but her husband is dead. Wah-li-sah, widow of Thomas Oo-lay-i-way; no children. Stacy Taylor, widow of George Kanot; had 3 children by Kanot, all under 16 years of age; remarried since death of soldier. Nancy Mumblehead, widow; no children; is drawing a pension.

The following are the surviving confederate soldiers, those marked with a * indicating those who afterward entered the federal service:

Company A, Sixty-ninth North Carolina Regiment—Peter Greybeard, Iyo-ha-ne (Swimmer Fox), Swa-tah (Suata Owl), Toy-a-ne-teh, Chn-wa-lookeh, Coh-goh (Wesley Crow), Cah-hah (Wild Cat), Chlantees-tch (Pheasant), Ezekiel Greybeard, *How-ee-neo-ta (James Walkingstick), Jessan, John Lossih, *Keen-tis-kee (John Igotpa), *Oo-ste-na-coo (John Taylor), Oo-lassta-eh (Joe Lowin), Oo-teet-geeskih Wallaski, *Oolstooih (John Brown), *Otter Now-eyontieh (Tom Otter), *Mason Reekey (Mason Ratley), Jesse Reed, *Soo-quechee (in Cherokee nation west), Squenseh, San-to-neh (James Keg), Mickee Skittes (whereabouts unknown), *John Sanders, Suque-yeh, Samuel Needa, and Te-ses-kih.

Company B, Sixty-ninth North Carolina Regiment—N. J. Smith, alias Jarrett Smith, John Ross, John Wah-ye-neete, Danelah, Dick-a-geeskee, John Davis, *Echu-le-hah (Steve Johnson), Kooe-Skooe (Ross Cochran), Larchee, Lazy Bigmeat, David Murphy, Oo-chum-teh (Come-back Wolf), Okanieh, *Jim Otter, *David Patridge, Watted Sell-alle-seh, Sequo-yo Sell-alle-seh, Segilleh Bigmeat, Tah-lee Casabsta (perhaps Ca-tol-ster), Tobesky, Wah-has-eh (Tom Skitty), Moses Wolf.

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